



The Commonwealth of Massachusetts

DEPARTMENT OF TELECOMMUNICATIONS AND ENERGY

D.T.E. 06-33

May 31, 2006

Investigation by the Department of Telecommunications and Energy on its own motion to develop a long term plan for funding Enhanced 911 services.

PROCEDURAL NOTICE

I. PROCEDURAL SCHEDULE

On May 24, 2006, the Department of Telecommunications and Energy ("Department") held a public hearing and procedural conference in D.T.E. 06-33. At the procedural conference, the Department established the following procedural schedule:

Proposals for post-2007 funding mechanism	Friday, July 14, 2006
Comments	Friday, August 11, 2006
Reply Comments	Friday, August 25, 2006

II. SERVICE LIST

A service list for D.T.E. 06-33 is attached to this Notice.

III. GROUND RULES

This proceeding shall be conducted in accordance with the provisions of G.L. c. 30A and 220 C.M.R. §§ 1.00 et seq., the Procedural Rules of the Department. In addition, the following ground rules shall supplement the Department's procedural rules in the conduct of this proceeding.

A. Filing of Documents

1. Address of Filings

The original of all filings must be filed with Mary L. Cottrell, Secretary, Department of Telecommunications and Energy, One South Station, Second Floor, Boston, Massachusetts,

02110. Unless otherwise noted, the original must be filed with the Department by 5:00 p.m. on the applicable due date.

2. Format

All documents shall be accompanied by a cover letter describing the filing and noting the distribution of copies.

3. Number of Copies

The Department requires documents to be filed in the following manner:

One (1) original addressed to Mary L. Cottrell,
Two (2) copies submitted to the hearing officer, and
One (1) copy submitted to each Department staff member listed on the service list.

4. Electronic Filing

Copies of all nonproprietary documents that are filed with the Department, including letters, comments, pleadings and briefs, must also be submitted to the Department in electronic format using one of the following methods: (1) by e-mail attachment to dte.efiling@state.ma.us and tina.chin@state.ma.us; or (2) on a 3.5" floppy disk or CD-ROM. The text of the e-mail or the disk label must specify: (1) an easily identifiable case caption, (2) docket number, D.T.E. 06-33, (3) name of the party submitting the filing, and (4) title of the document. The electronic filing should also include the name, title, and phone number of a person to contact in the event of questions about the filing. Electronic copies should be written as either Word Perfect, Microsoft Word, or Adobe Acrobat compatible files. Data or spreadsheet responses should be compatible with Microsoft Excel. Documents submitted in electronic format will be posted on the Department's website, <http://www.mass.gov/dte>. Electronic copies must also be provided to all persons on the service list for this proceeding. Parties filing documents containing proprietary or other confidential materials shall submit electronic copies of the redacted public version of such documents. See rules on protected materials below.

5. Protected Materials

Where information or material is sought that is considered proprietary or protected by one party, the parties should discuss the use of a non-disclosure agreement before coming to the Department for protection or compelled submission. The Department will make a reasonable effort to extend protection where appropriate within the requirements of the law and in consideration of the policy interests regarding public access. See G.L. c. 25, § 5D; G.L. c. 66, § 10; G.L. c. 4, § 7, cl. twenty-sixth.

A party moving for confidential treatment must submit its request in writing and state the reasons therefor. The party seeking such treatment has the burden to demonstrate that the materials should be afforded the treatment requested in light of the presumption that such information is a public record. Even where a party proves such need for confidential treatment, the Department may protect only so much of that information as is necessary to meet the established need and may limit the term or length of time such protection will be in effect.

Any request for confidential treatment must include, in a sealed envelope, one unredacted copy of the materials for which protection is sought, clearly marked with the words "CONFIDENTIAL" on the outside envelope as well as on each page of the materials. Electronic copies of unredacted materials should be submitted on a 3.5" floppy disk or CD-ROM labeled "CONFIDENTIAL." The unredacted copy should be submitted directly to the hearing officer, not to the Secretary. A redacted copy of the materials (marked as such) for the public docket should be filed with the Department along with the request for confidential treatment.

B. Exchange of Materials

All documents filed with the Department shall also be served upon each party. Parties shall make arrangements for the expeditious exchange of materials, particularly discovery material, through the use of hand delivery, facsimile transmission ("fax"), e-mail, or other speedy means of delivery. Where material is exchanged by means of fax or other electronic means, a follow-up copy of the material must be delivered by mail or by hand. Service is effective upon receipt, not upon mailing. Fax or other means of electronic delivery are not substitutes for filing the original of materials that must be filed with Mary L. Cottrell, Secretary of the Department.

Where information requests are sent to a party by means of fax, the fax must be accompanied by telephone notification of the transmission. Failure to make prompt telephone notification may affect the deadline for response by the receiving party.

C. Motions

Consistent with 220 C.M.R. § 1.04(5), any motion, unless made during a hearing, shall be made in writing. The moving party shall serve with the motion a statement of reasons, including the supporting authorities, why the motion should be granted. A statement of reasons may be included in the motion itself or may be contained in a separate document. Affidavits and other documents setting forth or evidencing facts on which the motion is based shall be served with the motion. A party opposing a motion may serve an opposition (1) within 7 days after service of a motion other than a motion for summary judgment, (2) 21 days after service of a motion for summary judgment, or (3) such additional time as is

allowed by the Department upon a showing of good cause. With the opposition, the party may serve a statement of reasons, with supporting authorities, why the motion should not be allowed. Affidavits and other documents setting forth or evidencing facts on which the opposition is based shall be served with the opposition. Papers not served with the motion or opposition may be filed only with leave of the hearing officer.

These ground rules are deemed consistent with the orderly conduct of this proceeding. Exceptions to any ground rule may be made by the Hearing Officer for good cause shown.

/s/
Tina W. Chin, Hearing Officer

cc: Mary L. Cottrell, Secretary
Service List (*via e-mail and regular mail*)